

**TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 09R__**

**A RESOLUTION REGARDING EXTENSION OF THE
APPROVAL FOR THE SKETCH/PRELIMINARY PLAT AND
PRELIMINARY DEVELOPMENT PLAN OF WATERS EDGE
SUBDIVISION, AND READOPTING CERTAIN FINDINGS OF
FACT AND CONCLUSIONS FAVORABLE TO THE PLAT.**

WHEREAS, the Board of Trustees of the Town of Frederick, Colorado, on August 12th, 2008, reviewed the application of Pineneedle Development, LLC, Jim Sell, 730 29th St., Boulder, CO 80303, for the Concurrent Sketch/Preliminary Plat and Preliminary Development Plan of the following real property, to wit

A TRACT OF LAND LOCATED in the S1/2 of Section 24, T2N, R68W of the 6th P.M., County of Weld, State of Colorado More particularly described in Exhibit A (attached hereto and incorporated herein).

WHEREAS, the Board of Trustees approved the application subject to conditions as outlined in Resolution 08R061; such approval was valid for one year.

WHEREAS, the applicant has request an extension of the approval period to accommodate completion of certain tasks, market conditions and other factors.

**BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF
FREDERICK, COLORADO, AS FOLLOWS:**

Section 1. On August 12, 2008, pursuant to Resolution 08R061, the Sketch/Preliminary Plat and Preliminary Development Plan of the Waters Edge Subdivision was conditionally approved.

Section 2. Pursuant to Section 4.7.4.c of the Land Use Code states "[a]pproval and conditional approval of a preliminary plat shall be effective for one (1) year unless otherwise approved by the Board of Trustees.

"If a final plat is not submitted within said time limit or an extension has not been granted, a preliminary plat must again be submitted before action may be taken on a final plat."

Section 3. Prior to expiration of the one-year period described in Section 4.7.4.c, the applicant lodged a request for extension of the approval period to accommodate completion of engineering tasks, current residential housing market conditions, and challenges encountered by the applicant in securing financing.

Section 4. after due consideration of the recommendations made by the Planning Department, the Board of Trustees readopts the findings and conclusions made in Resolution 08R061, and reaffirms the conditions to which the approval is subject.

Section 5. The following conditions shall be met by the applicant before Water's Edge is to be considered for a Final Plat. The Conditions include but are not limited to:

- a. Add the following notes to the cover sheet: Provided surface use agreement(s) allows for recreational improvements and functional recreational landscaping within the minimum required 150 foot setback to the existing and proposed oil and gas wells, the open space calculation may include lands that are between 75 feet and 150 feet of an oil and gas well.
- b. Add the following notes to the cover sheet: Provided surface use agreement(s) allows for recreational improvements and functional recreational landscaping within the minimum required 150 foot setback to the existing and proposed oil and gas wells, the open space calculation may include lands that are between 75 feet and 150 feet of an oil and gas well.
- c. In conformance with Section 4.7.4.c. of the *Frederick Land Use Code*, the approval of the Concurrent Sketch/Preliminary Plat and Preliminary Development Plan is further conditioned that said approval of the Concurrent Sketch/Preliminary Plat and Preliminary Development Plan shall not constitute approval of any detailed design or engineering submittals or proposed solutions to specific problems revealed in the review process; and that failure to proceed with the Final Plat in accordance with 4.9 of the *Frederick Land Use Code* within twelve (12) months of the date of this extension of approval shall require the applicant to commence the Concurrent Sketch/Preliminary Plat review procedure again, provided, however, that for good cause shown, the Board of Trustees may extend the time period for filing a Final Plat.

INTRODUCED, READ, PASSED, AND SIGNED THIS 11th DAY OF AUGUST, 2009.

ATTEST:

TOWN OF FREDERICK

By _____
Nanette S. Fornof, Town Clerk

By _____
Eric E. Doering, Mayor

EXHIBIT A
LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE S1/2 OF SECTION 24, T2N, R68W OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 24, THENCE S89°53'29"E, 1970.00 FEET ALONG THE SOUTH LINE OF THE SW1/4 OF SAID SECTION 24 TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING S89°53'29"E, 670.57 FEET ALONG THE SOUTH LINE OF THE SW1/4 OF SAID SECTION 24 TO THE S1/4 CORNER OF SAID SECTION 24;

THENCE S89°56'51"E, 1030.84 FEET ALONG THE SOUTH LINE OF THE SE1/4 OF SAID SECTION 24;

THENCE N04°41'05"W, 1162.47 FEET;

THENCE N88°52'56"W, 137.77 FEET;

THENCE N29°26'31"W, 496.53 FEET;

THENCE N05°55'00"W, 738.90 FEET;

THENCE N27°02'22"W, 354.79 FEET TO THE NORTH LINE OF THE SE1/4 OF SAID SECTION 24;

THENCE N89°51'03"W, 313.37 FEET ALONG THE NORTH LINE OF THE SE1/4 OF SAID SECTION 24 TO THE CENTER OF SAID SECTION 24;

THENCE N89°51'37"W, 954.57 FEET ALONG THE NORTH LINE OF THE SW1/4 OF SAID SECTION 24 TO THE NORTHEAST CORNER OF AMENDED FINAL PLAT OF SUMMIT VIEW ESTATES SECOND FILING REPLAT, AS RECORDED DECEMBER 11, 2000 AT RECEPTION NO. 2812397;

THE FOLLOWING COURSES AND DISTANCES ARE ALONG THE EASTERLY LINE OF SAID AMENDED FINAL PLAT OF SUMMIT VIEW ESTATES SECOND FILING REPLAT:

THENCE S40°22'56"E, 141.34 FEET;

THENCE S29°28'30"E, 49.69 FEET;

THENCE S15°41'53"E 70.21 FEET;

THENCE S07°01'59"E, 240.25 FEET;

THENCE S08°42'34"E, 171.97 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE SOUTHERLY, 167.96 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 338.76 FEET, A CENTRAL ANGLE OF 28°24'26" AND BEING SUBTENDED BY A CHORD THAT BEARS S05°29'38"W, 166.24 FEET;

THENCE S19°41'51"W, 565.70 FEET ALONG THE EASTERLY LINE OF SAID AMENDED FINAL PLAT OF SUMMIT VIEW ESTATES SECOND FILING REPLAT AND ALONG THE EASTERLY LINE OF OUTLOT A IN SUMMIT VIEW ESTATES SECOND FILING AS RECORDED SEPTEMBER 7, 1999 AT RECEPTION NO. 2881771 OF THE RECORDS OF WELD COUNTY, COLORADO, TO THE SOUTHEAST CORNER OF SAID OUTLOT A, A POINT ON THE NORTH LINE OF THE SOUTH 1320.00 FEET OF THE SW1/4 OF SAID SECTION 24;

THENCE, LEAVING THE EAST LINE OF SAID OUTLOT A, S89°53'29"E, 299.35 FEET ALONG THE NORTH LINE OF THE SOUTH 1320.00 FEET OF THE SW1/4 OF SAID SECTION 24 TO A POINT FROM WHICH THE TRUE POINT OF BEGINNING BEARS S00°06'31"W;

THENCE S00°06'31"W, 1320.00 FEET TO THE TRUE POINT OF BEGINNING.